IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 585 OF 2006

MR. MARUTI GANGAPPA HARLIKAR AND ANR ....Petitioners

Versus

MR. BABU YESSU NAIK AND ANR ....Respondents

Ms. Shambhavi Rao, Advocate for the petitioners.

Coram:- J. N. PATEL, J.

Date:- 6th December, 2006

P.C.

The petitioners who are the appellants before the Lower Court has sought to file additional documents by way of evidence at the stage of appeal and on earlier occasion was shown indulgence by this Court in the matter and was permitted to file documents. The Appellate Court has taken into consideration the conduct of the petitioner in delaying the matter and has given explicit reasons for rejecting the application for production of additional documents at this stage.

2. The learned Counsel appearing for the petitioner submits that, if these documents are not permitted to be placed on record, it will affect the petitioner's case, but no justification has been given as to why they were not procured and placed on record at the time of leading evidence in the Lower Court at the first instance. Therefore this Court finds that the Appellate Court has not committed any error in rejecting the application and in particularly when the Special Suit between the parties was pending since the year 1985 and the appeal in the matter is pending disposal from the year 2000. This only shows that the petitioner has not been diligent in prosecuting the matter.

3. Therefore there is no merits in the petition.

4. The petition is dismissed.

J. N. PATEL, J.

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